

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WESS DEASE,
Plaintiff,

vs.

MICHAEL KOEHN, *et al.*
Defendants.

3:13-cv-00609-RCJ-VPC

ORDER

This prisoner civil rights action comes before the Court on plaintiff's application (#1) to proceed *in forma pauperis* and for initial review.

On August 7, 2013, plaintiff's pauper application submitted with a civil rights complaint was received and filed in No. 3:13-cv-00424-MMD-WGC. That same day, the Clerk of Court sent plaintiff a notice of the docketing of the action along with the docket number. On August 16, 2013, plaintiff's motion for leave to amend the complaint, submitted under that docket number, was received and filed along with a purported proposed amended complaint.

On November 4, 2013, the Clerk received and filed in this action a pauper application submitted with, *inter alia*, a complaint. The papers were submitted without a docket number, and every indication in the multiple papers submitted reflected that a new civil action was being tendered for filing. The Clerk opened that new action in this matter.

The complaint in this matter, No. 3:13-cv-00609-RCJ-VPC, is duplicative of the complaint in No. 3:13-cv-00424-MMD-WGC. There are only minor changes in the complaint in this action along the lines of those outlined in the motion to amend in the prior action.

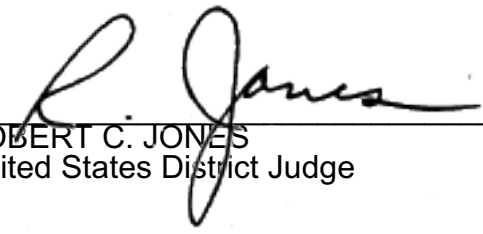
1 The Court is going to give plaintiff the benefit of the doubt. If plaintiff submits a pauper
2 application with a complaint with no docket number, the papers will be docketed by the Clerk
3 as a new civil action. If plaintiff commences another duplicative action in this fashion, the
4 Court not only will dismiss the duplicative action but also will order that he pay the full \$350.00
5 filing fee in installments drawn from his inmate account. Filing a duplicative action wastes
6 limited judicial resources and will not result in plaintiff's claims being adjudicated more
7 expeditiously than otherwise. What the filing of another duplicative action will result in is
8 plaintiff being required to pay an additional \$350.00 filing fee for the duplicative action.

9 This action accordingly will be dismissed without prejudice as duplicative of the first-
10 filed action.

11 IT THEREFORE IS ORDERED that this action shall be DISMISSED without prejudice
12 in deference to the first-filed action in 3:13-cv-00424-MMD-WGC.

13 The Clerk of Court shall enter final judgment accordingly, which shall close the present
14 action.

15 DATED: January 3, 2014

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20 ROBERT C. JONES
21 United States District Judge
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